



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,948	09/25/2003	Remmelt Pit	HSJ9200030207US1	2049

7590

05/31/2005

John L. Rogitz  
Rogitz & Associates  
Suite 3120  
750 B. Street  
San Diego, CA 92101

EXAMINER

OLSON, JASON C

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/670,948

Applicant(s)

PIT ET AL.

Examiner

Jason C. Olson

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The Drawings filed on 2/22/2005 are accepted by the examiner.

#### ***Claim Objections***

Claims 3-5, 8 and 9 are objected to because of the following reasons: The acronym HDD is not defined. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipates by Boutaghou et al. (US 6,535,355) hereafter Boutaghou.

Regarding claim 1, Boutaghou teaches at least one rotatable disk (see figures 1 and 2, item 134), at least one slider juxtaposed with the disk (see figure 2, items 126 and 134); a suspension holding the slider (see figure 1 and 3, items 124 and 126); and a roll static attitude (RSA) bias mechanism coupled to the suspension to establish a RSA of the slider (see col. 10, ln. 18-21 and 59-67 and figure 10 and 11, items 126 and 1200).

Art Unit: 2651

Regarding claim 2, Boutaghou teaches wherein the RSA bias mechanism includes at least one piezoelectric structure bonded to the suspension (see col. 12, ln. 49-50 and figure 15 and 16, items 1000, and 126).

Regarding claim 3, Boutaghou teaches a HDD controller actuating the RSA bias mechanism (see col. 10, ln. 63-67 and col. 13, ln. 51-62; it is interpreted by the examiner that the disk drive device, including the RSA, is controlled by the computer system).

Regarding claim 4, Boutaghou teaches wherein the HDD controller actuates the RSA bias mechanism to establish a zero RSA during read and write operations (see col. 6, ln. 10-18, col. 10, ln. 18-21, and see figures 10 and 11, items 126 and 134; there is zero RSA).

Regarding claim 5, Boutaghou teaches wherein the HDD controller actuates the RSA bias mechanism to establish a non-zero RSA during ramp load and unload operations (see col. 7, ln. 35-42, col. 9, ln. 62-65, and col. 10, ln. 63-67).

Regarding claims 6, Boutaghou teaches the RSA is implemented by actuating the RSA bias mechanism to bend a flexure of the suspension to cause an inner edge of the slider to be higher relative to the disk than an outer edge of the slider (see col. 10, ln. 59-67 and figure 5, item 530; it is inherent to an artisan in the art that controlling the roll static attitude of the slider about the roll axis 530, will torque the slider either clockwise or counter-clockwise, causing the inner edge of the slider to be higher than the outer edge of the slider).

Regarding claims 7-10: claims 7-10 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

Regarding claims 11-14: claims 11-14 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

*Response to Arguments*

Applicant's arguments, filed 02/15/05, with respect to the rejection(s) of claim(s) 1-5, 7, 8, and 10-14 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Boutaghou. Boutaghou is relied upon to teach claims 1-14 under 35 U.S.C. 102(e).

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Olson whose telephone number is (571)272-7560. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Hudspeth can be reached on (571)272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JCO  
May 26, 2005



  
DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600